

DETAILED ACTION

Claim 2 is allowable. Claims 11-15, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement among inventions groups 2-4, as set forth in the Office action mailed on 3/06/2008, is hereby withdrawn and claims 11-15 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher S. Andrzejak on February 3rd, 2010.

The application has been amended as follows:

Claims 1, 7, 16-18 have been canceled.

The following is an examiner's statement of reasons for allowance:

Claim 2 is allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including: (1) A vibrating magnetic separator comprising in combination: an electromagnet; a pressure vessel being mounted in the electromagnet; a ferromagnetic matrix; a vibrator for vibrating the ferromagnetic matrix said vibrator moving in a vertical direction, and a bellows that connects the stationary components of the magnetic separator to the vibrating components of the magnetic separator and seals the process contents from leaking to the atmosphere, said bellows having at least two plies.

Claim 9 is allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including: (1) a magnetic separator apparatus comprising in combination: a pressure vessel, said pressure vessel container being surmounted by a pressure vessel lid flange, at least one feed nozzle mounted on the pressure vessel container for feeding

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material to the pressure vessel container; a matrix located in the lower half of the pressure vessel container for feeding material to the pressure vessel container; a matrix located in the lower half of the pressure vessel container, said matrix being supported in the pressure vessel container as a cartridge; an electromagnetic apparatus encircling the pressure vessel container on the outside of the pressure vessel container wall, and at the location of the matrix, a layer of thermal insulation located between said electromagnetic apparatus and the pressure vessel container wall; a first and second support mechanism, the first mounted on the pressure vessel lid flange, the second surmounted on the vibrator, a unitary moveable vertical shaft, and bellows surmounted on the pressure vessel lid flange and being supported by a bellows upper support mechanism, a clean gas purge apparatus, which purge opens into a purge space formed by the shaft seal as the floor; the pressure vessel lid flange having mounted on the lower half terminus, a discharge cone said discharge cone having a lower end, there being mounted on the lower end of the discharge cone, a controllable discharge nozzle.

Claim 10 is allowable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth, including: (1) a magnetic separator apparatus comprising in combination: a pressure vessel, said pressure vessel container being surmounted by a pressure vessel lid flange, at least one feed nozzle mounted on the pressure vessel container for feeding material to the pressure vessel container; a matrix located in the lower half of the

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pressure vessel container for feeding material to the pressure vessel container; a matrix located in the lower half of the pressure vessel container, said matrix being supported in the pressure vessel container as a cartridge; an electromagnetic apparatus encircling the pressure vessel container on the outside of the pressure vessel container wall, and at the location of the matrix, a layer of thermal insulation located between said electromagnetic apparatus and the pressure vessel container wall; a first and second support mechanism, the first mounted on the pressure vessel lid flange, the second surmounted on the vibrator, a unitary moveable vertical shaft, and bellows surmounted on the pressure vessel lid flange and being supported by a bellows upper support mechanism, a clean gas purge apparatus; a pressure balancing tube, said pressure balancing tube being openly connected from the containment bellows to the balance bellows; the pressure vessel lid flange having mounted on the lower half terminus, a discharge cone said discharge cone having a lower end, there being mounted on the lower end of the discharge cone, a controllable discharge nozzle.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERRELL H. MATTHEWS whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick Mackey/
Supervisory Patent Examiner, Art
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/Terrell H Matthews/
Examiner, Art Unit 3653